

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ROME DIVISION**

Coosa River Basin Initiative; Raymond
J. Perkins, Jr.; J. Perkins Farms, LLC,

Plaintiffs,

v.

3M Company, *et al.*,

Defendants.

Civil Action No. 4:25-cv-00075-AT

**MOTION FOR LEAVE TO SUPPLEMENT THE RECORD IN
OPPOSITION TO MOTIONS TO STAY**

Plaintiffs respectfully request leave of Court to supplement the record in opposition to the pending Motions to Stay filed by various Defendants. *See* Docs. 60-1 (Dalton Utilities' Brief ISO Mtn.); 76-1 (Supplier Defs.' Brief ISO Mtn.); 104-1 (Carpet Defs.' Brief ISO Mtn.); 129 (Plfs.' Omnibus Opp.); 129 (Supplier Defs.' Reply); 131 (Dalton Utilities' Reply); 132 (Carpet Defs.' Reply); 143, 143-1, 143-2 (Plfs.' Not. of Supp Authority and Exs); 144 (Mohawk's Resp. re Doc. 143). In support of this Motion, Plaintiffs state:

1. On September 24, 2025, Plaintiffs received the analytical results of surface water and soil samples collected on September 3, 2025 from locations in the Upper Coosa River Basin, from the Conasauga River upstream from Dalton

Utilities' Land Application System ("LAS") to the Coosa River downstream of the confluence of the Oostanauala and Etowah Rivers, including the Perkins Plaintiffs' property on Nicklesville Road in Gordon County, Georgia. The analytical results are marked as **Exhibit A**.¹

¹ The sample IDs and corresponding sample locations are as follows (listed from upstream to downstream):

- Cona-GA286-SW-1: Conasauga River at Georgia State Route 286 (34.827614053553724, -84.85082719777981)
- Cona-Tibbs-SW-1: Conasauga River at Tibbs Bridge Road (34.736606222581514, -84.85742688807495)
- Cona-Airport-SW-1: Conasauga River at Airport Road (34.70860255435264, -84.86394851741488)
- Cona-Tilton-SW-1: Conasauga River at Tilton Bridge Road (34.66712280980184, -84.92830554085766)
- Cona-Tilton-SW-60: Field equipment blank
- Cona-Farm-SW-1: Conasauga River at Perkins Farm (34.594839992829975, -84.929608639419)
- Farm-River Bank-Soil-1: Soil sample collected from riverbank at same location as surface water sample Cona-Farm-SW-1 (34.594839992829975, -84.929608639419)
- Farm-Big Pond-SW-1: Big pond at Perkins Farm (34.591845558053514, -84.92909207682791)
- Farm-Wetlands-SW-1: Wetlands area at Perkins Farm (34.59281066321924, -84.92697408326339)
- Farm-Wetlands-Soil-1: Soil sample collected at same location as surface water sample Farm-Wetlands-SW-1 (34.59281066321924, -84.92697408326339)
- Coosaute-Pine Ch-SW-1 [sic]: Coosawattee River at Pine Chapel Road (34.576430320217604, -84.86023184790585)
- Oost-US41-SW-1: Oostanauala River at U.S. Highway 41 (34.5774127503241, -84.94173155000944)

2. The September 3rd sampling results reinforce that Dalton Utilities' LAS remains the dominant source of PFAS contamination in the Upper Coosa River Basin.

3. Moreover, the September 3rd results show that the Perkins Plaintiffs' property is heavily contaminated with PFAS released into the river system by Dalton Utilities. Surface water samples taken from areas of the property subject to flooding from the Conasauga River show up to 169 parts per trillion ("ppt") of PFOS and 151 ppt of PFOA. **Ex A**, at 17-22. A soil sample collected from the bank of the Conasauga River on the Perkins Plaintiffs' property shows 20,800 ppt of PFOS (reported as 20.8 nanograms/gram ("ng/g")) and 2,250 ppt (2.25 ng/g) of

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- Oost-GA136-SW-1: Oostanaula River at Georgia State Route 136 (34.51069383360616, -84.95732721614225)
 - Oost-Reeves Sta-SW-1: Oostanaula River at Reeves Station Road (34.45119112312497, -85.02868057427564)
 - Oost-GA140-SW-1: Oostanaula River at Georgia State Route 140 (34.38033094746106, -85.12372247663896)
 - Oost-Baseball-SW-1: Oostanaula River at AdventHealth Baseball Stadium (34.28725081402511, -85.1657863501147)
 - Oost-Rome Intake-SW-1: Oostanaula River at City of Rome's Oostanaula Intake (34.26861787710427, -85.17262186938109)
 - Oost-Rome Intake-SW-50: Field duplicate sample
 - Etowah-GAI-SW-1 [sic]: Etowah River at Georgia State Route 1 (34.232301295733976, -85.11621439869556)
 - Cosa-Lockdown-SW-1 [sic]: Coosa River and Lock and Dam Park (34.20023094259456, -85.2581538099037)

PFOA. *Id.* at 14-16. Another soil sample collected from an area of the property subject to flooding and at least 1,000 feet from the river shows 8,040 ppt (8.04 ng/g) of PFOS and 778 ppt (0.778 ng/g) of PFOA. *Id.* at 23-25.

4. Defendants have asked this Court to stay the present action pending resolution of a CERCLA declaratory judgment lawsuit by Dalton Utilities, *City of Dalton v. 3M Co. et al.*, 4:24-cv-293-WMR (N.D. Ga.).

5. It is indisputable that Dalton Utilities' lawsuit does not provide any avenue for remediating the severe PFAS contamination, as evidenced by Exhibit A, that has already accumulated on the Perkins Plaintiffs' property. Defendants' sought stay would compound the duration that the Perkins Plaintiffs must wait for a decision on Defendants' responsibility to clean up their property, likely for years. Furthermore, any judgments in the *Dalton* case would not have res judicata effect in Plaintiffs' case.

WHEREFORE, good cause exists to grant Plaintiffs leave to supplement the record on the Motions to Stay with Exhibit A.

Respectfully submitted this 14th day of October, 2025.

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CERTIFICATE OF COMPLIANCE

Pursuant to Northern District of Georgia Civil Local Rule 7.1.D., the undersigned counsel certifies that the foregoing filing is prepared in Times New Roman 14-point font, as mandated in Local Rule 5.1.C.

This 14th day of October, 2025.

/s/ Brett C. Thompson

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing has been filed electronically with the Clerk of the Court by using the CM/ECF system which will automatically email all counsel of record.

This 14th day of October, 2025.

/s/ Brett C. Thompson